

1 IN THE COURT OF COMMON PLEAS
2 OF ERIE COUNTY, PENNSYLVANIA

3 BILLY R. WILLIAMS,
4 Plaintiff

5 vs

6 PENNSYLVANIA STATE TROOPERS
7 ASSOCIATION,
8 Defendant

9 BILLY R. WILLIAMS,
10 Plaintiff

11 vs

12 PENNSYLVANIA STATE POLICE
13 Defendant

ORIGINAL

14 Deposition of ERBY L. CONLEY, taken before and
15 by Ann Marie Sullivan, Certified Court Reporter and
16 Notary Public in and for the Commonwealth of
17 Pennsylvania, on August 10, 2004, commencing at 3:00
18 p.m. at the MacDonald Illig Jones & Britton, 100 State
19 Street, Suite 700, Erie, Pennsylvania
20 Pennsylvania, 16507.

21 APPEARANCES

22 NEAL A. SANDERS, ESQUIRE, Law Offices of Neal A.
23 Sanders, 1924 North Main Street, Ext., Butler, PA
24 16001. Attorney for Plaintiff, Billy Williams.

25 SCOTT A. BRADLEY, SENIOR DEPUTY ATTORNEY GENERAL,
6th Floor, Manor Complex, 564 Forbes Avenue,
Pittsburgh, Pennsylvania 15219.

BRYAN CAMPBELL, ESQUIRE, Sixth Floor, 220 Grant Street,
Pittsburgh, Pennsylvania 15219.

ANN MARIE SULLIVAN
Court Reporters
3611 Bon View Drive
Erie, Pennsylvania 16506
(814) 836-1542 or FAX#(814) 835-6671

Exh. 2

1 Q. Do you recall whose testimony you read?

2 A. No. Lieutenant Williams showed me some
3 transcripts on occasion.

4 Q. Up at the barracks in Erie?

5 A. Yes, sir.

6 Q. And that would have been when he was under your
7 command?

8 A. Yes, sir.

9 Q. When Lieutenant Williams was under your command
10 for that last two years of your career, January of '01 until
11 May of '03, how would you have rated him in terms of the way
12 in which the troopers subordinate to him dealt with him and
13 treated him? Did he generate respect?

14 A. Yes, I think so. The guys that worked for him
15 they respected Billy because Billy was a hard worker
16 himself. He wouldn't ask anybody to do anything that he
17 wouldn't do.

18 Q. Did anyone ever come to you, either in writing
19 or unofficially, when Lieutenant Williams was in your
20 command for that two years, plus, four months, with any type
21 of complaints about Lieutenant Williams?

22 A. Only the time that him and Lieutenant Johnson
23 got into it, that I can remember. Billy was the OD one
24 weekend when a trooper died and they did the funeral
25 arrangements together and they sort of bumped heads a little

1 bit.

2 Q. Was this a Lieutenant Johnson?

3 A. Yes.

4 Q. Do you remember his first name?

5 A. Tim Johnson.

6 Q. And do you remember any of the details of that,
7 what you called, bumping heads?

8 A. Billy was down doing the job as OD and Tim
9 didn't want him to do his job because it was his station.
10 But Billy was down there as my representative and he was
11 doing what he was supposed to be doing. And they kept
12 calling me on Sunday for different little things and I
13 finally said, work it out yourselves.

14 Q. Is that how you handled things when you were in
15 your command at the time, let them work it out themselves
16 initially and see if it works that way?

17 A. These were two lieutenants, sir. These weren't
18 two troopers. They're professionals. They're officers on
19 the Pennsylvania State Police, they should be able to work
20 things out. It wasn't life threatening or anything like
21 that. It was just a little bit of a turf battle.

22 Q. Lieutenant Johnson, you said, Tim Johnson?

23 A. Yes.

24 Q. Caucasian?

25 A. Yes.

1 him or, how about him with you? Did that conversation or
2 discussion take place between Erby Conley or Barry Titler
3 where the subject was Billy Williams?

4 A. I can't really say that. I talked to Barry on
5 numerous occasions. Since Billy was in my troop, I don't
6 think so.

7 Q. Let's talk about before.

8 A. Are you trying to say, how did Billy end up
9 getting to my troop?

10 Q. Of course I know that. Let me rephrase the
11 question so you know what the question is I'm asking. Prior
12 to the transfer of Lieutenant Williams from Butler to you in
13 Erie, in January of '01, did you and Barry Titler have any
14 discussions about Lieutenant Williams being down in Butler
15 having previously been in Mercer, if you remember?

16 A. I don't remember. Once again, I had a
17 conversation on Lieutenant Williams down in Mercer. I kept
18 hearing he was going to come to Erie and he didn't want to
19 come to Erie. But I'm not sure if this was told to me by
20 Seilhammer or through the disciplinary officer. I'm not
21 completely clear on that.

22 Q. All right.

23 A. But I was told that Billy did not want to come
24 up to Troop E in Erie because he was afraid of me.

25 Q. Who told you that?

1 A. Seilhammer did.

2 Q. And have you ever seen anything that would cause
3 you to believe that that was a correct statement?

4 A. When Billy first came he was very quiet. I was
5 told he was afraid of me and he didn't want to come to Erie
6 and that he expected me to get him, in so many words. I
7 called him in when he first came there and I told Billy
8 that, whatever happened down in Mercer I didn't know about
9 it. It had nothing to do with Troop E. And there was a
10 blank sheet of paper on the wall and he could write whatever
11 he wanted to write on it and I would treat him the way he
12 worked in Troop E.

13 Q. And the person who was voicing this comment to
14 you about you getting him came from, whose mouth?

15 A. Seilhammer said the commissioner, one of the
16 deputy commissioners was laughing saying that Billy was
17 afraid to come and see me because I would get him and stuff,
18 you know.

19 Q. Who was the commissioner or the assistant
20 commissioner?

21 A. I don't remember, sir. It was just a
22 conversation we had.

23 Q. Was this on the phone or in person?

24 A. On the phone.

25 Q. You and Seilhammer?

1 Q. Is that anybody you had in your command?

2 A. He was way senior than me. I was brand new at
3 that time. This was 30 years ago or more.

4 Q. As we sit here today, do you remember anything
5 else that Lieutenant Williams shared with you during that
6 two years and four months you had him in your command about
7 what he had gone through in Mercer?

8 A. Well the most outrageous thing that I remember
9 is when Billy told me that he was not allowed on his station
10 after 4:00 o'clock at night. And if you're a station
11 commander, to me, that's incredible that somebody would make
12 that statement and tell the station commander you cannot
13 administer your station.

14 Q. Did you ever find out yourself or through
15 Lieutenant Williams who had issued that order?

16 A. He told me but, offhand, I can't remember. I
17 want to say it was Syd Simon, but I'm not positive about
18 that.

19 Q. Let's talk about that for a minute. At the time
20 that he would have been the commander in Mercer --

21 A. Yes.

22 Q. -- so we're talking about the early '90s, '93,
23 '94, up till his transfer to Butler in 2000, in that time
24 frame. For a portion of that time, would he have had a
25 senior person above him named Syd Simon for a time?

1 fact that Lieutenant Williams had been accused of creating
2 an atmosphere in Mercer that rose to the level of an illegal
3 quota system, had you heard that?

4 A. I heard Billy had problems down there. I didn't
5 know the specifics until Billy came to Troop E and then I
6 got all of the specifics on that. I heard there were all
7 kinds of problems. I heard Billy is doing this and he's in
8 this kind of trouble.

9 Q. Since not everybody understands your profession,
10 that sort of information, would that come to you in meetings
11 or informally?

12 A. You have to understand me, sir. Some commanders
13 like to gossip. They're on the phone with other commanders
14 all of the time. I don't believe in gossip. I don't
15 gossip. If I call you I have a reason to call you to ask
16 you about state police or something that's going on. So I
17 didn't call around to other troop commanders gossiping. If
18 somebody told me something about Billy it was unsolicited,
19 just talking. But there are other troop commanders that
20 were on the phone all of the time. So I would have gotten
21 information from talking to Billy or just arbitrations.
22 It's just not my nature to gossip.

23 Q. Did you observe anything from Lieutenant
24 Williams, for the two-and-a-half years you had him in Erie,
25 that would cause you to believe that he created moral

1 problems for his staff?

2 A. No, sir. If I can go back further. I was a
3 trooper when Lieutenant Williams was a sergeant. He was
4 staff sergeant in Erie. And he had the civilians, the desk
5 personnel and people like that, under his command. I
6 remember hearing the civilians how they spoke highly of him.
7 That he was one of the few people they had over the years
8 that actually treated them with respect. And then
9 Lieutenant Williams and I were both stationed in Bethlehem
10 at different times, and he was also staff out there. I
11 think I went in behind him. I'm not sure. And I remember
12 Captain Wards telling me -- he must have went in after me
13 because I met Captain Wards later on -- what a great man
14 Billy was and how he did a great job on his staff out there.

15 Q. Now through your discussions with Lieutenant
16 Williams and other people, in a non gossiping manner, I
17 assume you learned that there were these allegations about
18 Lieutenant Williams in Mercer?

19 A. Yes.

20 Q. And, from what I understand of your testimony
21 today, those things that you heard totally differ from what
22 your experience was with him?

23 A. Yes, sir.

24 Q. Did you ever get any talk or conversation from
25 Simon or Seilhammer after you got Billy about how he was

1 A. Yes.

2 Q. Have you read anything recently about some
3 problems that Barry Titler is having?

4 A. A friend of mine, my best friend who is still on
5 the state police, told me that Barry got in some trouble.

6 Q. He, you understand, was the disciplinary officer
7 in the Billy Williams' case?

8 A. Yes.

9 MR. SANDERS: Captain, I'm going to take a
10 break for a few minutes.

11 (Off the record at this time)

12

13 BY MR. SANDERS:

14 Q. Captain, I just have a few more questions.

15 A. Yes, sir.

16 Q. I want to direct your attention to the way you
17 ran things in Erie, mainly what they call staff meetings?

18 A. Right.

19 Q. How often did you see fit to have staff
20 meetings?

21 A. We had a staff meeting, I think, twice a week.

22 Q. Did you hear through talking to Lieutenant
23 Williams or from other channels that one of the accusations
24 against him in Mercer was he had too many staff meetings?

25 A. I did hear that.

1 Q. What was your reaction?

2 A. That's crazy. How do you know what's going on.

3 Q. Unless you have them, you mean?

4 A. Right.

5 Q. I want to draw your attention back now to Tim
6 Johnson. Do you recall an occasion where this white
7 lieutenant who you previously described, had a go around
8 with Lieutenant Williams in Erie, you yourself had a go
9 around with?

10 A. Yes.

11 Q. And do you recall making a recommendation to
12 Seilhammer, Major Seilhammer in Butler, that Johnson be
13 transferred and you were overruled?

14 A. Yes.

15 Q. Do you remember any of the details of the
16 conversation you had with Seilhammer when you brought that
17 to his attention?

18 A. Yes.

19 Q. Did you tell Seilhammer that you felt, or
20 something to the effect that Johnson had been disrespectful
21 to you?

22 A. Yes.

23 Q. And what was Seilhammer's reaction, if you
24 recall?

25 A. Well, can I take you back to the beginning of

1 Q. Once Lieutenant Williams got to know you a
2 little better and opened up to you, did he ever mention that
3 he had any fear of you as a supervisor when he first came
4 here?

5 A. No. As a matter of fact, I even asked him and
6 he said no.

7 Q. And did he ever tell you that he was actually
8 happier to be working up in Erie than to be working in
9 either Mercer or Butler?

10 A. No. He said he enjoyed Erie. He said he
11 enjoyed what he was doing but he never said I'm happier to
12 be here.

13 Q. Well it's more convenient in terms of the
14 commute every day. And, of course, he'd be under your
15 command and, from what you said, you're a fair individual?

16 A. I try to be, yes, sir.

17 Q. And he's never voiced any complaint to you about
18 any treatment or any orders, anything that you've ever done?

19 A. No, sir.

20 Q. And, as I understand it, you performed, is it
21 yearly evaluations?

22 A. Yes.

23 Q. And those evaluations, are you called upon to
24 give your opinion as to Lieutenant Williams in relation to
25 his job as a supervisor?